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In re application of : Martin Brady

Serial No.: 09/228,109

Filed: January 11, 1999

Examiner: D. Watts

Docket No.: 0166

Art Unit: 3724

For: HOUSEHOLD KITCHEN OPENING CENTER

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Name: Marilyn Gibas

Signature: *Marilyn Gibas*

Date: June 1, 2000

#8/Resubmission  
PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Martin Brady

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For: HOUSEHOLD KITCHEN OPENING APPLIANCE

Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION OF THE FINAL REJECTION

Sir:

In the final office action dated March 1, 2000, the examiner allowed claims 3 through 5 and 7 through 9, rejected claim 10 under 35 USC 102(b) as being anticipated by either the Presto manual (ref. AU) or O'Bannon, and rejected claims 10 through 13 under 35 USC 103(a) as unpatentable over the Presto manual in view of Hoover et al. and Rauh.

Claim 10, which is the only independent claim among claims 10 through 13, recites a household opening appliance comprising an electric can opener having a housing and a scissors holder on the housing capable of releasably retaining a scissors on the housing. The prior art which the examiner asserts to fully anticipate claim 10 does not show a scissors holder on a can opener housing. To supply this lack of disclosure, the examiner argues that a "horizontal projection on the Presto device would function to hold shears" and that a "sharpener on the O'Bannon device would function to hold shears." (emphasis added) Counsel

Martin Brady  
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observes that the examiner was not so bold as to state that the Presto and the O'Bannon devices included scissors holders. In this case, it is evident that the references do not show a key element of claim 10, a scissors holder, and that the references do not anticipate the opening appliance of claim 10. The only evidence of a scissors holder on a can opener on the record is applicant's own disclosure. The examiner's suggestion to the contrary appears to be based purely on hindsight, no other basis having been given, and the rejection of claim 10 under Section 102(b) should be withdrawn.

As for the rejection of claims 10 through 13, the secondary references provide no suggestion for the scissors holder on a can opener that is missing from the Presto manual. Hoover teaches that a scissors may be attached to a vehicle dashboard or to a seat belt buckle, not to a can opener. Rauh's combination shears and bottle opener is of no relevance. Lacking more pertinent prior art, the examiner is urged to withdraw the rejections of claims 10 through 13.

Favorable action is requested.

Respectfully submitted,

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